

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE TRICOR INDIRECT PURCHASER
ANTITRUST LITIGATION

C.A. No. 05-360 (SLR)
(consolidated)

THIS DOCUMENT RELATES TO:
PAINTERS' DISTRICT COUNCIL NO.30
HEALTH AND WELFARE FUND and
RICHARD G. WILDE, C.A. No. 05-360 (SLR)

VISTA HEALTH PLAN, INC. and ROSS LOVE,
C.A. No. 05-365 (SJR)

PENNSYLVANIA EMPLOYEES BENEFIT
TRUST FUND, C.A. No. 05-390 (SLR)

ALLIED SERVICES DIVISION WELFARE
FUND and HECTOR VALDES,
C.A. No. 05-394 (SLR)

DIANA KIM, C.A. No. 05-426 (SLR)

ELAINE M. PULLMAN, NEIL PERLMUTTER,
HELENA PURLMUTTER and LULA RAMSEY,
C.A. No. 05-450 (SLR)

PHILADELPHIA FEDERATION OF TEACHERS
HEALTH AND WELFARE FUND,
C.A. No. 05-467 (SLR)

CINDY CRONIN, C.A. No. 05 482 (SLR)

CHARLES SHAIN and SANDRA KRONE,
C.A. No. 05-475 (SLR)

LOCAL 28 SHEET METAL WORKERS,
C.A. No. 05-516 (SLR)

ALBERTO LITTER, C.A. No. 05-695 (SLR)

**INDIRECT PURCHASER CLASS PLAINTIFFS' MOTION
FOR APPROVAL OF PROPOSED NOTICE PLAN**

Indirect Purchaser Class Plaintiffs (“IP Plaintiffs”), by IP Class Counsel, hereby move, pursuant to Fed. R. Civ. P. 23(c)(2)(A), for approval of a proposed plan for providing notice to the IP Class certified by the Court in its order of August 18, 2008 [D.I. 430]. In support of this motion, Plaintiffs’ state as follows:

1. On August 18, 2008, the Court certified an Indirect Purchaser Class (“IP Class”), pursuant to Fed. R. Civ. P. 23(b)(2), that included consumers and third-party payors that purchased or paid for fenofibrate products, including TriCor. Aug. 18, 2008 Order [D.I. 430] ¶ 8.

2. Plaintiffs now move for approval of their proposed Plan of Notice for the IP Class, as directed by the Court. *Id.* ¶ 12.

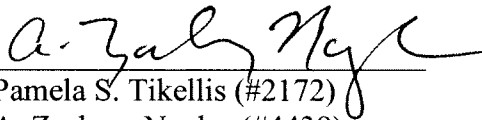
3. IP Class Counsel have retained Complete Claim Solutions, Inc. (“CCS”), a firm specializing in class action notice and administration. Class Counsel respectfully request designation of CCS as Notice Administrator. As set forth in the Declaration of Thomas R. Glenn, CCS has proposed a number of options for providing notice to the IP Class prior the scheduled November 3, 2008 trial.

4. Also attached is a *[Proposed] Order Directing Class Counsel to Provide Notice to the Class*, which includes a *[Proposed] Notice of Pending of Class Action* (Exhibit A) and draft press release (Exhibit B).

WHEREFORE, for the reasons set forth in accompanying Brief, the Court should approve the proposed notice plan as providing appropriate notice to the IP Class.

Dated: August 25, 2008

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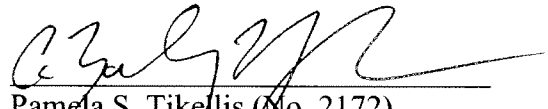
IP Class Counsel

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject Indirect Purchaser Class Plaintiffs' Motion for Approval of Proposed Notice Plan and Proposed Order has been raised by Plaintiffs' counsel with counsel for the Defendants Laboratories Fournier, S.A. and Fournier Industrie et Sante. Plaintiffs' counsel have been unable to ascertain Defendants' position on the Motion or Proposed Order from the Defendants' counsel.

Dated: August 25, 2008

CHIMICLES & TIKELLIS LLP

A handwritten signature in black ink, appearing to read 'P. Tikellis', is written over a horizontal line.

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